

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 UNITED STATES OF AMERICA, : CR 11-591(S-2) (FB)

5 :

6 -against-

7 :

United States Courthouse
Brooklyn, New York

8 LASHA GOLETIANI
9 ZHAN PETROSYANTS
10 ROBERT PETROSYANTS

11 :

12 Defendants. : February 24, 2014
13 5:00 o'clock p.m.

14 - - - - - X

15 TRANSCRIPT OF PROCEEDINGS
16 BEFORE THE HONORABLE FREDERIC BLOCK
17 SENIOR UNITED STATES DISTRICT JUDGE

18 APPEARANCES:

19 For the Government:

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United States Attorney
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Brooklyn, New York

22 For the Defendants:

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Attorney for L. Goletiani

24 ALAN FUTERFAS, ESQ.
25 ELLEN RESNICK
Attorneys for Z. Petrosyants

1 APPEARANCES CONTINUED:

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4 Attorney for R. Petrosyants

5 Court Reporter: Gene Rudolph
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8 Proceedings recorded by mechanical stenography, transcript
9 produced by computer-aided transcription.

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12
13 THE CLERK: Criminal cause for pleading, United
14 States of America versus Lasha Goletiani, Zhan Petrosyants,
15 and Robert Petrosyants.

16 I ask counsel if you can state your appearances for
17 the record.

18 MR. MOSLEY: Good afternoon, Your Honor.

19 Kevin Mosley, Patricia Notopoulos and Randall Warden
20 for the United States.

21 MR. TALKIN: Sam Talkin for Lasha Goletiani,
22 standing to my left, Your Honor. We are complete but there is
23 going to be applications made today applicable to
24 Mr. Goletiani so we are here.

25 THE COURT: I can't wait until I hear what they

1 might be. It is good to have you back in court. I think we
2 completed the allocution, the plea, the acceptance of the
3 plea.

4 MR. TALKIN: That's correct.

5 THE COURT: It's easy to slip up on something if you
6 do things sort of in a scattered way. You are welcome to come
7 back. There is no need that I know of but we will see what
8 happens.

9 MR. FUTERFAS: Good afternoon, Your Honor.

10 Alan Futerfas and Ellen Resnick for Mr. Petrosyants,
11 who is present in court.

12 MR. FROCCARO: Judge, James Froccaro for Robert
13 Petrosyants.

14 THE COURT: All right. Let's take Mr. Froccaro
15 next. I have the plea agreement in front of me. I have
16 marked it as Court Exhibit number three. Were we left off, I
17 think we officially explored everybody's rights and we had a
18 full discussion about that. We were ready to actually deal
19 with the actual plea, the allocution.

20 Correct?

21 MR. FROCCARO: I believe so, Your Honor.

22 THE COURT: Okay. The plea agreement I have here in
23 respect to Robert also stretches for nine pages and I turn to
24 the last page and, Mr. Froccaro, I see your handsome signature
25 on the bottom, such as it is. Ms. Notopoulos, I see yours,

1 and Robert Petrosyants, you have a unique signature also.

2 Is this the way you sign your name?

3 THE DEFENDANT R. PETROSYANTS: Yes.

4 THE COURT: That's it. Okay.

5 Have you read this carefully? You understand

6 English? You are able to read it fully?

7 THE DEFENDANT R. PETROSYANTS: Sure.

8 THE COURT: I'm sure Mr. Froccaro explained
9 everything to you with meticulous care.

10 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

11 THE COURT: If you have any questions about anything
12 that was said so far or about anything that's contained in
13 this plea agreement, feel free to ask me at this particular
14 time.

15 THE DEFENDANT R. PETROSYANTS: Yes.

16 MR. MOSLEY: Your Honor, may have one second?

17 Just for the record, in our haste on Friday, it may
18 have been said that the government had agreed to narrow the
19 scope of the CTR conspiracy from something other than what was
20 listed in the charging documents. I just wanted to put on the
21 record that is not the case.

22 MR. FROCCARO: You are talking about the date?

23 MR. MOSLEY: Just the date.

24 MR. FROCCARO: Okay.

25 THE COURT: All right. In the plea agreement, let

1 me point out a few matters to you.

2 You are pleading, or you are agreeing in paragraph
3 one to plead guilty to an information to be filed charging
4 conspiracy under 18 USC 371. I have the waiver of indictment
5 here.

6 This is your signature?

7 MR. FROCCARO: That is correct, mine and
8 Mr. Petrosyants's.

9 THE DEFENDANT R. PETROSYANTS: Yes.

10 THE COURT: So you understand that you have the
11 right to proceed and have the grand jury decide whether you
12 should be indicted. But you are waiving that of our own free
13 will.

14 There is no question about that? On.

15 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

16 THE COURT: Nobody forced you to do that?

17 You understand your rights. You could have gone
18 before the grand jury. You are not going to have that
19 opportunity now by reason of this waiver.

20 You understand that? You are giving up that right.

21 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

22 MR. FROCCARO: Judge, I apologize for jumping in.

23 Something we had to put on the record, it will be applicable
24 to all three defendants. It deals with the immigration issue,
25 if I can just put this on the record with Your Honor's

1 permission.

2 THE COURT: Why don't we just go through this
3 proceeding first. Then you can put whatever you want on the
4 record. Let's not jump the gun. We discussed immigration
5 already the last time as well.

6 The conspiracy count to which you wish to plead is
7 the conspiracy to file false CTRs, right?

8 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

9 THE COURT: The maximum term of imprisonment for
10 that would be five years; no minimum term of imprisonment.

11 Also, the statute provides for supervised release, a
12 maximum of three years to follow any term of imprisonment
13 which may be imposed upon you, and also provides if a
14 condition of release is violated you may be sentenced to up to
15 two years without any credit for previous imprisonment or time
16 previously served on post release supervision.

17 There is a provision in the statute for a maximum
18 fine of half a million dollars.

19 Restitution is applicable. It will be in an amount
20 to be determined by the Court. I mentioned there may be some
21 restitution involved here, I suspect.

22 MR. FROCCARO: No.

23 MR. MOSLEY: Just forfeiture.

24 THE COURT: Just forfeiture?

25 MR. MOSLEY: Yes.

1 THE COURT: There is the criminal forfeiture.
2 That's set forth in paragraphs six through thirteen of the
3 plea agreement.

4 There is a one-hundred-dollar special assessment
5 required by law.

6 Then you face the prospect of removal or deportation
7 as set forth in paragraph 14.

8 Mr. Froccaro is champing at the bit to say something
9 about deportation. So you can do so at this time.

10 MR. FROCCARO: Judge, I am going read from it so I
11 don't screw it up.

12 Mr. Petrosyants's plea as well as the other three
13 defendants --

14 THE COURT: What are you reading from?

15 MR. FROCCARO: From my own little statement.

16 THE COURT: This is not --

17 MR. FROCCARO: This is not in the agreement. It is
18 something that Mr. Petrosyants as well as the other two
19 codefendants' pleas under 18 USC 371 arises solely under the
20 first clause of that statute. Specifically, that
21 Mr. Petrosyants and the others conspired to commit an offense
22 against the United States.

23 We just wanted that to be clear, Your Honor, for the
24 record.

25 THE COURT: That's what the charge is.

1 MR. FROCCARO: Correct.

2 THE COURT: All right. With respect to immigration,
3 I am going to read paragraph 14. We spoke about this the
4 other day with respect with Mr. Goletiani. It is important
5 that you are given proper notice of the immigration
6 consequences now. Here is what the agreement provides.

7 That the defendant recognizes that pleading guilty
8 may have consequences with respect to the defendant's
9 immigration status if the defendant is not a citizen of the
10 United States. Under federal law, a broad range of crimes are
11 removable offenses, including the offense to which the
12 defendant is pleading guilty. Removal and other immigration
13 consequences are the subject of a separate proceeding,
14 however, and the defendant understands that no one, including
15 the defendant's attorney, or the district court, can predict
16 with certainty the effect of the defendant's conviction on the
17 defendant's immigration status. The defendant nevertheless
18 affirms that the defendant wants to plead guilty regardless of
19 any immigration consequences that the defendant's plea may
20 entail even if the consequence is the defendant's automatic
21 removal from the United States.

22 So, Robert, do you understand that clearly?

23 MR. FROCCARO: Judge, this is something else we put
24 on the record on the proceeding on Friday. We are not
25 agreeing that's a removable offense. It may be and he

1 understands that.

2 THE COURT: I just want him to understand that I
3 read to him the entirety of paragraph 14.

4 Do you understand what it says?

5 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

6 THE COURT: Do you have any questions about that?
7 Mr. Froccaro, do you have a question about this?

8 MR. FROCCARO: I don't. We are not agreeing that
9 it's a removable offense. There may be a removable offense.

10 THE COURT: There is nothing in the agreement that
11 says it is a removable offense. It certainly may be.

12 MR. FROCCARO: I agree.

13 THE COURT: If it turns out to be that way, he is
14 going to be removed and he can't come back here and say that I
15 want to change my plea. That's the important thing.

16 MR. FROCCARO: We understand.

17 THE COURT: You all understand that?

18 THE DEFENDANT R. PETROSYANTS: Yes.

19 MR. FUTERFAS: Yes.

20 MR. FROCCARO: Yes.

21 THE COURT: The plea agreement also provides in
22 paragraph two that for an estimated total offense level of 25
23 under the Sentencing Guidelines and speaks about the level
24 carrying a range of 41 to 51 months, assuming that you are in
25 criminal history Category 1. That contemplates getting

1 appropriate acceptances of responsibility, and I suspect that
2 is forthcoming. So it would be an estimated range of 41 to 51
3 since you have accepted responsibility now.

4 The important thing is to understand that that
5 estimate is not binding on anyone. It is just an estimate.
6 You can't come back and say if you are sentenced beyond
7 51 months that you want to change your plea and withdraw your
8 plea. You are going to have to just take your chances because
9 it is the Court that is going to sentence you. I am not
10 making any promises as to what your sentence will be.

11 If I sentence you to above 51 months, then that may
12 happen. I can't tell you now. I may sentence you to below
13 41 months. I could sentence you to above 51 months. I could
14 sentence you to any range, actually. I can't tell you now
15 what it is going to be because I need to get the presentence
16 report and I need to gather all the information that's
17 relevant for me to make an intelligent and correct sentence.

18 The important thing, Robert, and I will say this
19 also to Zhan, is that you understand that it's up to the Court
20 to impose sentence and anything in this agreement that you
21 have cannot be relied upon if I do not sentence you within the
22 range estimated in this agreement.

23 Do you understand that?

24 THE DEFENDANT R. PETROSYANTS: Yes.

25 THE DEFENDANT Z. PETROSYANTS: Yes.

1 THE COURT: You understand that as well?

2 THE DEFENDANT Z. PETROSYANTS: Yes.

3 THE COURT: I will ask you, Mr. Zhan, at the same
4 time.

5 The Office -- well, in paragraph four you have
6 agreed that you are not going to challenge the conviction or
7 the sentence if I impose a term of imprisonment of 57 months
8 or below. That probably will be what will happen but we don't
9 know now. If I impose a sentence in excess of 57 months, then
10 your rights to appeal are intact. Otherwise, you waive them.

11 Do you understand that?

12 THE DEFENDANT R. PETROSYANTS: Yes.

13 THE COURT: In paragraph five the Office has made
14 certain agreements. You know that no further criminal charges
15 will be brought against you for health care fraud, money
16 laundering, filing false currency transaction reports, for the
17 period may 2009 through June 2011, and that goes on to explain
18 to you what your rights are in respect to what the government
19 has agreed.

20 The Office will also make no motion for an upward
21 departure under the Sentencing Guidelines. That doesn't mean
22 that I am restricted by that. I can sentence you to above the
23 guidelines or anything that I think is appropriate. The
24 Office is not going to be allowed though to make an
25 application that you receive an upward departure.

1 You understand that, right?

2 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

3 MR. FUTERFAS: Your Honor, in that agreement I
4 think -- excuse me, Your Honor -- in paragraph 5-A, I think
5 there is something handwritten in, if Your Honor sees that, in
6 that agreement.

7 MS. NOTOPOULOS: Just tell him --

8 THE COURT: Structuring?

9 MR. FUTERFAS: I want to make sure that it was clear
10 on the record.

11 THE COURT: Then you have the forfeiture provisions
12 that are set forth in paragraphs seven, eight, nine -- six, I
13 guess, through 13.

14 MR. MOSLEY: I believe 13, Your Honor.

15 THE COURT: I am not going to read all of that to
16 you. If there is anything there that you don't understand,
17 here is your opportunity to ask me.

18 Robert, anything at all?

19 THE DEFENDANT R. PETROSYANTS: No, Your Honor.

20 THE COURT: I might as well ask you at the same
21 time, Zhan, since what I just read here also is applicable to
22 your plea agreement as well.

23 Correct?

24 MR. FUTERFAS: Yes, Your Honor.

25 The only differences are our guidelines calculations

1 are a little bit different.

2 THE COURT: We will go through that.

3 So far what I have explained to you, that's common
4 to both of you. You are in agreement?

5 THE DEFENDANT Z. PETROSYANTS: Yes.

6 MR. FUTERFAS: Your Honor, the only other add we
7 have, Your Honor, is with respect to -- there is an amount of
8 forfeiture amount, of \$667,000.

9 THE COURT: Let's deal with Robert.

10 MR. FUTERFAS: Fair enough.

11 THE COURT: Is there any amount mentioned in his?

12 MR. FROCCARO: It's the same, Judge.

13 The point --

14 THE COURT: It is in paragraph six. It says the
15 defendant consents to the entry of a forfeiture money judgment
16 in the amount of \$667,446.08. That's going to be the
17 judgment.

18 Do you understand that?

19 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

20 THE COURT: There is no restitution here. It will
21 all go for forfeiture.

22 MR. MOSLEY: That is correct, Your Honor.

23 MR. FUTERFAS: Your Honor, the point -- that's
24 common to both defendants.

25 MR. FROCCARO: All three, Judge.

1 MR. FUTERFAS: All three defendants, actually, that
2 amount of money, which is referenced in the plea agreement,
3 both --

4 THE COURT: Joint and several?

5 MR. FUTERFAS: Yes, Your Honor.

6 MR. MOSLEY: Yes, Your Honor.

7 THE COURT: Is that what you are about to tell me?

8 MR. FUTERFAS: No. Actually something -- that
9 amount of money, the forfeiture amount, 667,446.08 referenced
10 both as to the forfeiture matters and the guidelines
11 calculation is solely determined by the amount of checks
12 cashed. I just wanted Your Honor to know where that amount
13 comes from for those.

14 THE COURT: Do you feel better having said that?

15 MR. FUTERFAS: Actually, we do.

16 MR. FROCCARO: I am glad he said it.

17 MR. TALKIN: I feel so much better. I want to join
18 in that application.

19 THE COURT: That's why you came back.

20 MR. TALKIN: Every application that's applicable.

21 MR. MOSLEY: Your Honor, I would like to feel good
22 as well. Any comments we made about whether or not the
23 forfeiture is joint and several we leave open for the time
24 being. We are not making a representation.

25 THE COURT: There is no representation on that.

1 What is it going to be actually?

2 MR. FROCCARO: That's the number. That's the
3 number, Judge.

4 THE COURT: Each?

5 MR. FROCCARO: Forfeiture, joint and several.

6 THE COURT: Joint and several?

7 MR. FROCCARO: Yes.

8 THE COURT: Is that provided for in the agreement?

9 MR. FROCCARO: There is no restitution.

10 MS. NOTOPOULOS: Restitution is joint and several.

11 THE COURT: It's one forfeiture sum of
12 667-et cetera, right? It is not going to be a million-eight?

13 MR. MOSLEY: It's the number that's in the
14 agreement, Your Honor.

15 THE COURT: Yes. So it's going to be joint and
16 several. You collect only that amount of money.

17 You can go after any of these three folks to get it,
18 right?

19 Do you understand what I am saying?

20 Are you confused about that?

21 MR. MOSLEY: That is right.

22 THE COURT: That's right?

23 MR. MOSLEY: Yes.

24 THE COURT: It's not a million-eight?

25 MR. MOSLEY: It's not.

1 THE COURT: We should be clear about that.

2 Yes?

3 MR. MOSLEY: Yes, we are clear, that it is not a
4 million-eight.

5 THE COURT: All right. So what that means I guess
6 to all of you is that the government can get that amount of
7 money from Robert, if they can get it all from Robert, all
8 from Zhan, all from Lasha, or wherever it can get the money
9 between the three of you. You may have claims against each
10 other that are a civil matter, nothing to do with the criminal
11 proceeding. They can grab that money from wherever they can
12 get it.

13 Correct?

14 You are laughing because you don't have the money,
15 right?

16 THE DEFENDANT R. PETROSYANTS: Exactly.

17 MR. FUTERFAS: We understand.

18 THE COURT: Who has the money here?

19 THE DEFENDANT Z. PETROSYANTS: Lawyers.

20 MR. MOSLEY: Certainly not the government.

21 THE COURT: Have you gotten any of it yet?

22 MS. NOTOPOULOS: No, Your Honor.

23 THE COURT: Any preliminary forfeiture that you are
24 able to get hold of?

25 MR. MOSLEY: For that particular sum of money, no,

1 Your Honor, not yet.

2 THE COURT: Have you gotten any of it yet?

3 MR. MOSLEY: Not that money yet.

4 MR. TALKIN: There has been --

5 MS. NOTOPOULOS: Your Honor --

6 MR. TALKIN: There was some money taken at the time.

7 MS. NOTOPOULOS: If I may interject?

8 THE COURT: Is there a preliminary order of
9 forfeiture? So you don't have the money yet?

10 MS. NOTOPOULOS: Correct.

11 If I can interject personally? Obviously,
12 restitution is joint and several. No victim will be unjustly
13 enriched. I believe forfeiture is along the lines of a
14 punishment. For example, we took a plea, a related plea
15 earlier where the government seized \$3 million I believe was
16 the figure. That doesn't affect these defendants' obligation
17 to pay forfeiture. It's related to -- it's a punishment for
18 the crime.

19 THE COURT: We have to decide with clarity what this
20 agreement provides for.

21 MS. NOTOPOULOS: I think the agreement is clear. It
22 does not say joint and several.

23 THE COURT: That's why we are having this little
24 chat. It is important for us to understand. We have a
25 difference of opinion. Your forfeiture maven here is a little

1 confused as to what the forfeiture is all about.

2 MR. FUTERFAS: I thought the government just agreed
3 with Your Honor that was joint and several and the government
4 was not seeking 1.8.

5 THE COURT: They are a little confused.

6 MS. NOTOPOULOS: Your Honor, let's just say this.
7 Worst case scenario, it's not joint and several. My
8 distinguished colleague from the Asset Forfeiture section --

9 THE COURT: He is the expert.

10 MS. NOTOPOULOS: Yes.

11 He believes it is joint and several. Who am I to
12 question, Judge?

13 THE COURT: The agreement does not provide for joint
14 and several. The agreement says each person is responsible
15 for that forfeiture.

16 MS. NOTOPOULOS: That's what it says.

17 THE COURT: That's the way it is written. We are
18 here to have an intelligent allocation to make sure there is
19 no possible confusion. We have now injected confusion into
20 these proceedings. Let's see whether we can straighten it
21 out. We have the expert here from the civil forfeiture
22 department. These are really people who are experts here,
23 right?

24 (Pause.)

25 We've now had some further discussion between

1 counsel and the government. Let's see if we can come to an
2 agreement as to what is happening.

3 MR. FROCCARO: Judge, I wish could report to Your
4 Honor. I thought the asset forfeiture fellows had agreed.
5 But -- why don't I let them speak, Judge.

6 THE COURT: You signed an agreement that provides
7 each of you individually to be liable. There is nothing that
8 says joint and several. If you want it to be changed to joint
9 and several, if that's what you agreed, I will do it.

10 You folks can't agree.

11 MR. FROCCARO: That's what we thought the spirit of
12 the agreement was.

13 THE COURT: We have our expert from the forfeiture
14 department here. That's all they do. They are outstanding.

15 MR. MOSLEY: I am a money laundering guy. I am the
16 money laundering part of the asset and forfeiture section. I
17 think the agreement says what it says.

18 THE COURT: I am going to say it is joint and
19 several. You guys dodged the bullet. The government is
20 confused. I'd rather err on the side of lenity when the
21 government is confused.

22 So it is joint and several. It is understood even
23 though it is not in the agreement.

24 You guys have the benefit of having outstanding
25 lawyers, how fortunate you are.

1 Let's take it one at a time.

2 You, Robert, I will ask you, anything else about
3 this agreement that we should discuss?

4 THE DEFENDANT R. PETROSYANTS: No, Your Honor.

5 THE COURT: You are clear?

6 THE DEFENDANT R. PETROSYANTS: Yes.

7 THE COURT: You don't have the money so it's
8 academic, right? We will deal with that. We will flesh it
9 all out at sentencing.

10 THE DEFENDANT R. PETROSYANTS: I am the wrong guy.

11 THE COURT: You will explain to the Court where the
12 money went.

13 You wish to plead to this count of conspiracy that's
14 set forth in the underlying information?

15 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

16 THE COURT: Okay. You know what conspiracy means.
17 It means that you entered into an agreement with somebody
18 else, one or more people, to accomplish an unlawful goal or
19 scheme, and that you took actions in respect to that
20 conspiracy, to achieve that scheme.

21 Do you understand that?

22 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

23 THE COURT: Tell me what you did here to justify
24 your pleading guilty to this conspiracy.

25 THE DEFENDANT R. PETROSYANTS: In or about

1 June 2011, I agreed with others, for purpose of evading the
2 CTR reporting request -- requirements, to cause Belair Payroll
3 Services, a check cashing company located in Queens, New York,
4 for the false -- for -- to file false CTRs. In furtherance of
5 this conspiracy, on or about May 31, 2011, I agreed with
6 others that Belair would be presented with one or more checks
7 to cash in an amount exceeding \$10,000. I further
8 agree -- further agreed that Belair would cash those checks
9 but not identify on the CTR they had to file the name of the
10 person presenting those checks for cashing.

11 THE COURT: You wish to plead guilty and you are
12 pleading guilty to that count, correct?

13 THE DEFENDANT R. PETROSYANTS: Yes, Your Honor.

14 THE COURT: Has anybody forced you to plead guilty
15 or to make this allocution that you just made?

16 THE DEFENDANT R. PETROSYANTS: No, Your Honor.

17 THE COURT: You are doing this of your own free
18 will? No one has coerced you?

19 THE DEFENDANT R. PETROSYANTS: No, Your Honor.

20 THE COURT: Has anybody made any promises to you
21 about what your sentence would be other than the things we
22 discussed here in court today and what's contained in the plea
23 agreement?

24 THE DEFENDANT R. PETROSYANTS: No, Your Honor.

25 THE COURT: Nothing else happened?

1 THE DEFENDANT R. PETROSYANTS: No, Your Honor.

2 THE COURT: Okay. I find that there is a basis for
3 your plea and I will accept the plea of guilty and I think
4 that takes care of Robert.

5 Okay. Now, Zhan, front and center. I've got your
6 plea agreement which was marked Court Exhibit number two,
7 February 21st, also runs for nine pages.

8 Is this your signature? You signed it?

9 THE DEFENDANT Z. PETROSYANTS: Yes, sir.

10 THE COURT: No question about it? And this is
11 Mr. Futerfas's signature on this document as well?

12 MR. FUTERFAS: Yes, Your Honor.

13 THE COURT: It's one of the legible signatures that
14 I can read here.

15 You read this and you understand everything in it?

16 THE DEFENDANT Z. PETROSYANTS: Yes.

17 THE COURT: A lot of this has been discussed already
18 when we talked about what the agreement contains in respect to
19 your colleagues here. But there may be some things here
20 that -- apparently there are a few things here that just apply
21 to you. Let's go through it all.

22 You are going to be pleading to guilty to Count Two.
23 That's also the conspiracy, and you have a two-count
24 indictment here. The first one is money laundering and I
25 guess that's going to be dismissed, right?

1 MR. FUTERFAS: Yes, Your Honor.

2 THE COURT: So you also are pleading to the same
3 conspiracy.

4 THE DEFENDANT Z. PETROSYANTS: Yes.

5 THE COURT: All right. Because of that, you have
6 the same term of imprisonment of five years, minimum term of
7 zero; maximum supervised term of three years to follow any
8 term of imprisonment.

9 If a condition of release is violated, you may be
10 sentenced to up to two years without credit for prerelease
11 imprisonment or time previously served on post release
12 supervision.

13 The statute is the same for all of you.

14 The maximum fine is half a million dollars.

15 We are not dealing with restitution here.

16 You have a criminal forfeiture. We went through
17 that.

18 In paragraphs six through thirteen, the same
19 language appears in respect to the forfeiture in regard to
20 Lasha and Robert as well.

21 You understand that.

22 Special assessment.

23 Then you have this removal. Your lawyers have
24 talked about the fact that you may be subject to removal. You
25 heard me read paragraph 14 carefully about that. It's

1 important that you understand that you are going to be
2 exposing yourself to possibly being removed by pleading guilty
3 and that whether you will be or not is not for me to decide.
4 It is a different process. But if you are removed, you can't
5 come back and say Judge, I want to withdraw my plea here. I
6 didn't realize that I could be removed. That's the important
7 thing for you to understand.

8 THE DEFENDANT Z. PETROSYANTS: I do.

9 THE COURT: Any question about that?

10 THE DEFENDANT Z. PETROSYANTS: No.

11 THE COURT: In paragraph two, you have a different
12 range here that's estimated of imprisonment. Yours is 33 to
13 41 months.

14 Why is yours a little different? There must be a
15 reason.

16 MR. MOSLEY: There is a role adjustment, Your Honor.

17 MR. FUTERFAS: There is no role adjustment for
18 Mr. Zhan Petrosyants. I think there was --

19 MR. MOSLEY: There was a role adjustment for Robert
20 that does not apply to Zhan.

21 THE COURT: I won't get into that. He understands
22 that.

23 The important thing is that nothing here is binding
24 upon me. Just the same advice that I gave to your colleagues
25 here, your coconspirators, that it is up to me to decide what

1 your sentence would be. So you can't come back and say that
2 Judge, you can't sentence me to a range of imprisonment higher
3 than the estimate. I may not do that. But it is important
4 for you to understand that you are trusting me completely with
5 the sentencing. You are not going to be able to withdraw the
6 guilty plea if I sentence you to a higher range, assuming that
7 I sentence you lawfully. If I sentence you unlawfully, then
8 you have rights.

9 Paragraph five, the Office agrees -- the same thing
10 we just read before -- that there will not be charges against
11 you for health care, money laundering, structuring is written
12 in there, filing false currency transaction reports, for the
13 period of May 2009 through June 2011 as detailed here.

14 The government is taking no position where within
15 the guideline range the Court should sentence you and makes no
16 motion for upward departure.

17 That's the same agreement that it made in respect to
18 your coconspirators as well. That doesn't mean that I can't
19 impose a sentence that's outside the guideline range or an
20 upward departure. That's my call. You should understand
21 that.

22 Any questions at all about anything in this
23 agreement?

24 THE DEFENDANT Z. PETROSYANTS: No, Your Honor.

25 THE COURT: All right. You have the opportunity to

1 ask me. We flushed out the forfeiture thing. You caught a
2 break there because I just have given you the benefit of the
3 uncertainty manifested by our experts from the forfeiture
4 department. So it's collectively 667-whatever. The
5 government can get that money from you or any of your
6 coconspirators. They can get it all from you, partly from
7 you. They have the right to go after whatever money they can
8 find to satisfy the forfeiture.

9 Do you understand?

10 THE DEFENDANT Z. PETROSYANTS: Yes.

11 THE COURT: At this time, how do you plead to that
12 conspiracy count, guilty or not guilty?

13 THE DEFENDANT Z. PETROSYANTS: Guilty.

14 THE COURT: Are you making that plea of guilty of
15 your own free choice and will?

16 THE DEFENDANT Z. PETROSYANTS: Yes, my own choice.

17 THE COURT: Nobody has put any pressure on you to
18 plead guilty?

19 Has anybody made any representations to you as to
20 your sentence or anything else other than what's contained in
21 this plea agreement or what we discussed in court here; yes or
22 no?

23 THE DEFENDANT Z. PETROSYANTS: Nobody.

24 THE COURT: Everything is in here, the agreement;
25 nothing else, right?

1 THE DEFENDANT Z. PETROSYANTS: Yes.

2 THE COURT: All right. At this time you can tell me
3 what you did in this conspiracy, which once again means that
4 you joined with others for the purpose of committing an
5 unlawful act, that you undertook action with respect to
6 accomplishing that unlawful goal.

7 What did you do?

8 THE DEFENDANT Z. PETROSYANTS: In or about
9 June 2011, I agree with others for the purpose of avoiding CTR
10 reporting requirement to cause Belair Payroll Services, a
11 check cashing company located in Queens, New York, to file
12 false CTRs. In furtherance of the conspiracy, on or about
13 May 31, 2011, I agreed with others that Belair would be
14 presented with one or more checks to cash in an amount
15 exceeding \$10,000. We further agreed that Belair would cash
16 those checks but not identify on the CTR it had to file name
17 of the person presenting those checks for cashing.

18 THE COURT: I find there is a factual basis for your
19 plea. I will accept the plea of guilty to the conspiracy
20 count and the sentencing is going to be, as I mentioned to
21 Mr. Talkin before, probably not for a few months. Your lawyer
22 will advise you as to what extent you will cooperate with the
23 Probation Department and assist in the preparation of the
24 presentence report, which I will rely upon, and whatever else,
25 to determine what your sentence will be. When we get the

1 presentence report we will fix the date of sentence.

2 Mr. Innelli will advise you accordingly.

3 Is there anything that may have been left out
4 inadvertently?

5 Mr. Talkin, you came here. You want to get your
6 money's worth.

7 MR. TALKIN: I would ask that you incorporate the
8 applications and the rulings that you made today into
9 Mr. Goletiani's sentencing. I had asked you Friday if you
10 would leave that open for those possibilities and you granted
11 me --

12 THE COURT: Which in particular? The forfeiture?

13 MR. TALKIN: The forfeiture as well as the comments
14 regarding the immigration issues.

15 THE COURT: All right. Fine.

16 Ms. Notopoulos, would you like to say anything at
17 this time? You are kind of quiet.

18 MS. NOTOPOULOS: No, Your Honor.

19 I am going to go research that issue.

20 THE COURT: Do you want to say anything, Mr. Warden?

21 MR. WARDEN: No, Your Honor.

22 THE COURT: You are going to go back and look at the
23 books to see if you could have gotten 1.8?

24 MR. MOSLEY: Absolutely.

25 MS. NOTOPOULOS: We are just in admiration of

1 Mr. Mosley's performance, Your Honor. We are speechless.

2 THE COURT: I am impressed also. It is always good
3 to have you forfeiture experts come to court.

4 MR. MOSLEY: Thank you, Your Honor.

5 THE COURT: Keep up the good work.

6 Mr. Froccaro, keep smiling.

7 It was a pleasure to have all of you here.

8 We don't want to charge them \$1.8 million. The
9 lawyers have to get paid.

10 MR. FUTERFAS: Here, here.

11 MR. FROCCARO: Good exception to the rule.

12 MR. FUTERFAS: We will drink to that.

13 THE COURT: See you at the sentence. Thank you for
14 your patience. I am sorry you had to come back.

15 (Matter concludes.)
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I N D E X

C O U R T E X H I B I T S:

Court Exhibit number three	3
Court Exhibit number two	22

C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled
matter.

s/Gene Rudolph, Official Court Reporter

Date: May 20, 2014